

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

R. DANIEL BRADY ET AL.,)	
)	
Plaintiffs,)	
)	Civil Action No. 5:09-CV-00449-BO
v.)	
)	
XE SERVICES LLC ET AL.,)	
)	
Defendants.)	
)	

**CORPORATE DEFENDANTS' MOTION TO SUBSTITUTE THE UNITED STATES
IN PLACE OF CORPORATE DEFENDANTS PURSUANT TO THE WESTFALL ACT**

Defendants Xe Services LLC, Blackwater Security Consulting LLC, U.S. Training Center, Inc., Raven Development Group LLC, GSD Manufacturing LLC, Prince Group, LLC, Total Intelligence Solutions LLC, Greystone Limited a/k/a Greystone Ltd., Terrorism Research Center, Incorporated, Technical Defense Associates, Incorporated, Aviation Worldwide Services, LLC, Guardian Flight Systems LLC, Presidential Airways, Inc., STI Aviation, Inc., Air Quest, Inc., Samarus Co. Ltd., and Erik Prince (collectively, the "Corporate Defendants") hereby petition this Court to certify pursuant to the Westfall Act, 28 U.S.C. § 2679(d)(3), that the Corporate Defendants were "employee[s] of the Government . . . acting within the scope of [their] . . . employment" when the events giving rise to the above-captioned action occurred and, accordingly, to order that the United States "be substituted as the party defendant" in place of all of the Corporate Defendants.

The reasons that this motion should be granted are set forth in the accompanying Memorandum of Law, filed concurrently herewith.

Dated: April 7, 2010

Respectfully submitted,

/s/ Eric H. Cottrell
Eric H. Cottrell (N.C. Bar No. 21994)
ecottrell@mayerbrown.com
MAYER BROWN LLP
214 North Tryon Street, Suite 3800
Charlotte, North Carolina 28202
(704) 444-3500
(704) 377-2033 (fax)

Andrew J. Pincus
Michael E. Lackey, Jr.
MAYER BROWN LLP
1999 K Street, N.W.
Washington, DC 20006-1101
Telephone: (202) 263-3000
Facsimile: (202) 263-3300

Peter H. White
SCHULTE ROTH & ZABEL LLP
1152 15th Street NW, Suite 850
Washington, DC 20005
(202) 729-7470
(202) 730-4520 (fax)
peter.white@srz.com

Attorneys for Defendants Xe Services LLC, Blackwater Security Consulting LLC, U.S. Training Center, Inc., Raven Development Group LLC, GSD Manufacturing LLC, Prince Group, LLC, Total Intelligence Solutions LLC, Greystone Limited a/k/a Greystone Ltd., Terrorism Research Center, Incorporated, Technical Defense Associates, Incorporated, Aviation Worldwide Services, L.L.C., Guardian Flight Systems LLC, Presidential Airways, Inc., STI Aviation, Inc., Air Quest, Inc., Samarus Co. Ltd. and Erik Prince

CERTIFICATE OF SERVICE

I hereby certify that on April 7, 2010, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

James A. Roberts III
jimroberts@lewis-roberts.com
LEWIS & ROBERTS, PLLC
3700 Glenwood Avenue, Suite 410
Raleigh, NC 27612

Gary V. Mauney
garymauney@lewis-roberts.com
LEWIS & ROBERTS, PLLC
5960 Fairview Road, Suite 102
Charlotte, NC 28210

Attorneys for Plaintiffs

Edward Hallett Maginnis
emaginnis@maginnislaw.com
MAGINNIS LAW
6030 Creedmoor Road
Raleigh, NC 27612

Attorney for Defendant Jeremy P. Ridgeway

Keith Harrison Johnson
kjohnson@poynerspruill.com
Poyner Spruill LLP
P.O. Box 1801
301 Fayetteville St., Suite 1900
Raleigh, NC 27602-1801

Attorney for Defendants Donald Wayne Ball, Dustin L. Heard, Evan Shawn Liberty, Nicholas Abram Slatten, and Paul Alvin Slough

In addition, I hereby certify that, pursuant to 28 U.S.C. § 2679(d)(3) and Federal Rule of Civil Procedure 4(i)(1) (previously Federal Rule of Civil Procedure 4(d)(4)), I served the foregoing by certified mail to each of the following:

Civil Process Clerk
United States Attorney's Office
Eastern District of North Carolina
310 New Bern Avenue, Suite 800
Terry Sanford Federal Building & U.S. Courthouse
Raleigh, NC 27601-1461

Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW

Washington, DC 20530-0001

James H. Thessin
Deputy Legal Advisor
United States Department of State
2201 C Street, N.W., Room 6421
Washington, D.C. 20520

Jennifer Toole
United States Department of State
2201 C Street, N.W., Room 6421
Washington, D.C. 20520

Phyllis Pyles
Director, Torts Branch
Civil Division
U.S. Department of Justice
Room 8098N
1331 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

/s/ Eric H. Cottrell
Eric H. Cottrell